

## Article - Public Safety

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§13A-1009.

(a) A member of the state military forces is guilty of desertion if the member:

(1) without authority, goes or remains absent from the member's unit, organization, or place of duty with intent to remain away therefrom permanently;

(2) quits the member's unit, organization, or place of duty with intent to avoid hazardous duty or to shirk important service; or

(3) without being regularly separated from one of the State military forces:

(i) enlists or accepts an appointment in the same or another one of the State military forces, or in one of the armed forces of the United States, without fully disclosing the fact that the member has not been regularly separated; or

(ii) enters any foreign armed service except when authorized by the United States.

(b) A commissioned officer of the State military forces who, after tender of the officer's resignation and before notice of its acceptance, quits the officer's post or proper duties without leave and with intent to remain away therefrom permanently is guilty of desertion.

(c) (1) A person found guilty of desertion or attempt to desert shall be punished, if the offense is committed in time of war, by confinement of not more than 10 years or such other punishment as a court-martial may direct.

(2) A person found guilty of desertion or attempt to desert other than in time of war shall be punished as a court-martial may direct.

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